



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,515	03/23/2001	George Harry Hoffman	41556/03963 (RSI1P014)	5329
22428	7590	12/20/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			COLON, CATHERINE M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,515

Applicant(s)

HOFFMAN ET AL.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/5/01, 9/3/02, 6/17</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on March 23, 2001. Claims 1-19 are now pending in this application.

Information Disclosure Statement

2. The examiner has reviewed the patents and publications supplied in the Information Disclosure Statement (IDS) provided on September 5, 2001, September 3, 2002 and June 17, 2003.

The examiner has not considered the list of applications cited in the "Proprietary Information Disclosure Statement" submitted on January 27, 2003 since the IDS does not comply with 37 CFR 1.98(b)(3), which requires the listing of the application number, filing date and inventors for all applications listed in an IDS. The instant IDS does not list the inventors for all the applications provided.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3623

4. Claims 1-3, 5, 6, 8-10, 12-16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. (U.S. 6,119,933).

As per claim 1, Wong et al. discloses a method for promotion reporting in a network-based supply chain management framework, comprising:

identifying data associated with a promotion, the data including promotion item information, location information, and duration information (col. 6, lines 46-53 and 58-66; col. 7, lines 36-49; The system creates promotion analysis reports that include the food item, date range and location of the promotion.);

calculating a projected daily usage of the promotion item for a plurality of locations based on the data (col. 7, lines 5-7, 11-12 and 28-34; Projection feature in Figure 6B; Figures 15-17; Reports are generated that calculate daily usage of promotion items by categorizing customers as being heavy, medium or light promotion items users. The system applies the usage data to project sales of the promotion items.); and

outputting the projected daily usage of the promotion item utilizing a network with TCP/IP protocol (col. 2, lines 59-64; col. 4, lines 24-28; col. 6, lines 58-67; col. 7, lines 28-34; Figure 1; Reports are generated using information stored in the databases. The system stores the usage data and promotion analyses in the databases and therefore, generates reports on such data. Reports are generated via a network.).

As per claim 2, Wong et al. discloses the method of claim 1, wherein each location includes a store (col. 11, lines 28-36; The system monitors promotional activities at different store locations.).

As per claim 3, Wong et al. discloses the method of claim 1, wherein the calculating includes parsing the data based on location information and the promotion item, and dividing the data by the duration information (col. 7, lines 36-49 and 55-58).

As per claim 5, Wong et al. discloses the method of claim 1, wherein the promotion items includes food (col. 7, lines 45-49; That the promotion item is food is considered non-functional data since it does not affect the overall functionality of the invention being claimed. The claimed invention would perform the same recited steps of conducting promotion analyses and reporting regardless of the type of promotion item.).

As per claim 6, Wong et al. discloses the method of claim 1, wherein the projected daily usage is outputted via a network-based interface (col. 2, lines 59-64; Figure 1; Reports are generated via a network.).

Claims 8-10, 12-16, 18 and 19 recite substantially similar subject matter as claims 1-3, 5 and 6 above. Therefore, claims 8-10, 12-16, 18 and 19 are rejected on the same basis as claims 1-3, 5 and 6 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (U.S. 6,119,933).

As per claim 4, Wong et al. does not expressly disclose the method of claim 1, wherein the promotion items include utensils. However, that the promotion item includes utensils is considered non-functional data since it does not affect the overall functionality of the invention being claimed. The claimed invention would perform the same recited steps of conducting promotion analyses and reporting regardless of the type of promotion item. Additionally, Wong et al. does disclose the promotion items being various types of food such as entrees, desserts, appetizers and drinks (col. 7, lines 45-49). It is old and well known that certain utensils are used to handle and eat certain types of food with. Therefore, specific utensils can be associated with specific types of foods. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Wong et al. to conduct promotion analyses on utensils in addition to food since Wong et al. categorizes foods and therefore, can easily categorize the utensils associated with certain categories of foods, thus conducting enhanced promotion analyses.

Claims 11 and 17 recite substantially similar subject matter as claim 4 above. Therefore, claims 11 and 17 are rejected on the same basis as claim 4 above.

Art Unit: 3623

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (U.S. 6,119,933) and Graves et al. (U.S. H001743).

As per claim 7, Wong et al. discloses the method of claim 1 including generating reports showing product usage trends for different customers and different locations (col. 7, lines 21-49). Wong et al. does not expressly disclose the method of claim 1, further comprising calculating a projected daily usage of finished goods for the plurality of locations based on the data, translating the projections into a forecast of processed products required for the plurality of locations, and translating the projections into a forecast of delivery and storage parameters. Graves et al. discloses forecasting delivery and storage parameters of items based on historical and projected usage of the item (abstract; col. 2, lines 25-32; col. 4, lines 54-62), where the items are consumable items. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Wong et al. to utilize its product usage trend reports to forecast delivery and storage of products as taught by Graves et al. since the invention of Wong et al. is for stores and restaurants that sell consumable items. Stores and restaurants can only maintain a certain level of inventory of consumable items so as not to waste certain perishable products. Thus, using the product usage trend reports to forecast delivery and storage of products would help restaurants and stores maximize their inventory, thus saving costs.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cragun et al. (U.S. 6,622,125) discusses an automatic sales promotion system;
- Gonten (U.S. 6,708,156) discusses a system and method for projecting market penetration;
- Takahashi (U.S. 6,021,394) discusses sales management for a vending machine;
- Tedesco et al. (U.S. 6,658,323) discusses a vending machine for marketing promotions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 3623

Washington D.C. 20231

or faxed to:

703-872-9306 [Official Communications; including After Final
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA 7th floor receptionist.


cmc

December 1, 2004


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600